

Regular Session Minutes

February 14, 2007

Members Present: Barry Kaplan, D.P.M., Board President
Joseph Leonetti, D.P.M., Member
Dedrie Polakof, D.P.M., Member
Jeanne Reagan, Secretary-Treasurer
Gloria Lederman, Public Representative

Staff: Linda Wells, Executive Director

Assist. Atty. Gen'l. Terrie Sanders

CALL TO ORDER

The regularly scheduled meeting of the Arizona State Board of Podiatry Examiners was called to order at 8:30 a.m. Dr. Kaplan presiding.

APPROVAL OF MINUTES

A. REGULAR SESSION MEETING MINUTES OF JANUARY 10, 2007

Ms. Reagan moved to approve the January 10, 2007 regular session meeting minutes with the following amendment:

1. Strike "In lieu of the additional information" in the last paragraph on page 8 regarding complaint No. 06-06-C

Dr. Leonetti seconded. The motion passed 5-0.

B. EXECUTIVE SESSION MEETING MINUTES OF JANUARY 10, 2007

Ms. Reagan moved to approve the January 10, 2007 executive session meeting minutes.

Dr. Polakof seconded. The motion passed 5-0.

COMPLAINTS BEFORE THE BOARD FOR FIRST TIME

07-01-C JEROME A. COHN

The Board is in receipt of a complaint filed against Jerome A. Cohn, DPM initiated by the parent of patient, O.B. The Board is also in receipt of the doctor's written response, and the complete patient medical records.

The complainant alleges unethical business practices and unsanitary office conditions, i.e., Dr. Cohn refused to provide medical service to her daughter, his office staff was rude, and the office was not clean.

Following discussion, Dr. Leonetti moved to dismiss the complaint finding no apparent violation of the Arizona Revised Statutes governing the practice of Podiatry. Ms. Lederman seconded. The motion passed 5-0.

The Board based their decision to dismiss the complaint following review of the complete patient medical record.

OPEN COMPLAINTS

05-27-M ELAINE J. SHAPIRO

At a previous meeting, the Board tabled the malpractice complaint filed against Elaine J. Shapiro, DPM until final disposition is reached in Superior Court. The complaint was filed in the Pima County Superior Court by plaintiff, Carrie Marshall. The Board requested a monthly update on the status of the pending matter from Dr. Shapiro.

The plaintiff alleges negligent care, and as a result incurred lost wages and medical expenses in the past, and expects to incur further such losses in the future.

The Board is in receipt of a letter from Attorney, Bruce C. Smith informing them of the scheduled trial date.

The complaint is tabled until final resolution is reached at the superior court.

05-36-C GEORGE N. THOMPSON

At a previous meeting, the Board tabled the complaint filed against George N. Thompson, DPM initiated by his patient, B.M. pending the Board's order that he undergo an independent psychiatric evaluation by a psychiatrist of the Board's choice pursuant to A.R.S. §32-852.01(F).

The complainant alleges unprofessional conduct, and excessive billing, i.e. Dr. Thompson received payment twice for services rendered, and billed an excessive fee.

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Ms. Wells reported that Dr. Thompson and his attorney received notice of the name, phone number and address of the psychiatrist in which Dr. Thompson is to call and make an appointment for an evaluation.

Following discussion, the Board tabled the complaint pending further outcome.

06-03-C GEORGE N. THOMPSON

At a previous meeting, the Board tabled the complaint filed against George N. Thompson, DPM initiated by his patient, N.B. pending the Board's order that he undergo an independent psychiatric evaluation by a psychiatrist of the Board's choice pursuant to A.R.S. §32-852.01(F).

The complainant alleges practice below the standard of care and treatment, i.e. excessive length of time spent for an office visit, and billing an excessive fee.

Ms. Wells reported that Dr. Thompson and his attorney received notice of the name, phone number and address of the psychiatrist in which Dr. Thompson is to call and make an appointment for an evaluation.

Following discussion, the Board tabled the complaint pending further outcome.

06-04-C ALAN GAVECK

At a previous meeting, the Board tabled the complaint filed against Alan Gaveck, DPM and moved to hold an Informal Interview with him pursuant to §A.R.S. 32-852.01(D) based on a possible violation of A.R.S. §32-854.01(9), (20).

The complainant alleges practice below the standard of care and treatment rendered by Dr. Gaveck following surgery for a dislocated toe and torn cartilage that resulted in the toe being amputated.

The Board discussed a letter received from Attorney, Bruce Crawford requesting that the Notice of Informal Interview be amended to quote the language as written in podiatry statute.

Following discussion, the Board requested an amendment be made to the Notice of Informal Interview quoting the language as written in statute.

The complaint is tabled pending the Informal Interview on April 11, 2007.

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06-06-C MICHAEL DERSHOWITZ

At a previous meeting, the Board tabled the complaint filed against Michael Dershowitz, DPM initiated by his patient, J.M., and moved to hold a Formal Hearing pursuant to §32-852.01(D) based on a possible violation of A.R.S. §32-854.01.

The complainant alleges practice below the standard of care and treatment rendered by Dr. Dershowitz who performed a peripheral neuropathy surgery that resulted in severe pain, loss of mobility, permanent foot disability, and an end to an active career.

Dr. Kaplan moved to enter executive session at 9:00 a.m. for the purpose of receiving confidential legal advice from Assistant Attorney General, Terrie Sanders. Ms. Reagan seconded. The motion passed 5-0.

The Board left executive session and entered regular session at 9:13 a.m.

The complaint is tabled pending the Formal Hearing.

06-11-C GEORGE N. THOMPSON

At a previous meeting, the Board moved to table the complaint and Investigative Interview with Dr. Thompson pending the Board's order that he undergo an independent psychiatric evaluation by a psychiatrist of the Board's choice pursuant to A.R.S. §32-852.01(F).

The complainant alleges excessive length of time spent for the initial office visit, and unsanitary office conditions.

Ms. Wells reported that Dr. Thompson and his attorney received notice of the name, phone number and address of the psychiatrist in which Dr. Thompson is to call and make an appointment for an evaluation.

Following discussion, the Board tabled the complaint pending further outcome.

06-22-M ANDREW LOWY

At a previous meeting, the Board tabled the complaint filed against Andrew Lowy, DPM until a final disposition is reached in Superior Court. The complaint originated in the Maricopa County Superior Court by plaintiff, Barbara Rubin and was reported by Dr. Lowy on his license renewal application. The Board requested a quarterly update on the status of the case as it proceeds through the court to its final resolution.

The plaintiff alleges practice below the standard of care and treatment rendered by Dr. Lowy following surgery to remove a neuroma.

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At the February meeting, the Board requested a letter be sent to Dr. Lowy and his attorney requesting a quarterly report.

The complaint is tabled until there is final disposition of the case in superior court.

06-28-C GEORGE N. THOMPSON

At a previous meeting, the Board tabled the complaint filed against George N. Thompson, DPM initiated by his patient, S.B. for further investigation. The Board ordered that Dr. Thompson undergo an independent psychiatric evaluation by a psychiatrist of the Board's choice pursuant to A.R.S. §32-852.01(F).

The complainant alleges practice below the standard of care and treatment regarding her foot ailments, i.e. Dr. Thompson discussed issues not relevant to her foot conditions, and asked inappropriate questions relating to her deceased husband.

Ms. Wells reported that Dr. Thompson and his attorney received notice of the name, phone number and address of the psychiatrist in which Dr. Thompson is to call and make an appointment for an evaluation.

Following discussion, the Board tabled the complaint pending further outcome.

06-29-C MICHAEL DERSHOWITZ

At a previous meeting, the Board tabled the complaint filed against Michael Dershowitz, DPM initiated by his patient, A.S. and moved to hold an Investigative Interview with him pursuant to A.R.S. §32-852.01(A) based on a possible violation of A.R.S. §32-854.01.

The complainant alleges that he was misled by Dr. Dershowitz and his staff regarding health insurance coverage for a neuropathy procedure he wanted the doctor to perform. The complainant alleges he changed health insurance companies as recommended by the doctor's office staff in an attempt to get coverage for the surgical procedure. When he presented his new insurance to the office, he was told that the procedure would still not be covered. The complainant alleges he paid out-of-pocket expenses for two office visits.

The complaint is tabled pending the Investigative Interview that is scheduled to be held on April 11, 2007.

06-30-C LOREN WESSEL

At a previous meeting, the Board tabled the complaint filed against Loren Wessel, DPM initiated by his patient, H.F. for further investigation.

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The complainant alleges practice below the standard of care and treatment rendered by Dr. Wessel following bunion surgery. She also alleges that Dr. Wessel has not released her pre-operative x-rays upon request.

Following discussion at the February meeting, Dr. Kaplan moved to table the complaint and hold an Investigative Interview with Dr. Wessel pursuant to A.R.S. §32-852.01(A) based on a possible violation of A.R.S. §32-854.01. Dr. Leonetti seconded. The motion passed 5-0.

06-31-C ELAINE J. SHAPIRO

At a previous meeting, the Board tabled the complaint filed against Elaine J. Shapiro, DPM initiated by her patient, H.F. for further investigation. The Board requested copies of the patient x-rays and MRI's taken by Barbara Aung, DPM

The complainant alleges practice below the standard of care and treatment rendered by Dr. Shapiro following surgery to remove and insert new screws from an initial surgery performed by another podiatrist. The complainant alleges that she continues to have pain and swelling as a result of the surgery.

The Board is in receipt of the patient x-rays and MRI's from Dr. Aung.

Following discussion, Dr. Kaplan moved to table the complaint and hold an Investigative Interview with Dr. Shapiro pursuant to A.R.S. §32-852.01(A) based on a possible violation of A.R.S. §32-854.01. Ms. Lederman seconded. The motion passed 5-0.

06-32-C BRANDON KIM

At a previous meeting, the Board tabled the complaint filed against Brandon Kim, DPM initiated by his patient, J. L. and moved to hold an Investigative Interview with him pursuant to A.R.S. §32-852.01(A) based on a possible violation of A.R.S. §32-854.01.

The complainant alleges practice below the standard of care and treatment rendered by Dr. Kim following surgery on her left foot to reduce painful joints.

Dr. Kim was present at the February meeting for the Investigative Interview.

Dr. Kim reviewed his diagnosis and treatment rendered to patient, J.L.

Following discussion, the Board tabled the complaint for further investigation. The Board requested that a second letter be sent to Dr. Kim informing him that the patient records are incomplete, and to forward the complete patient chart including all surgical consent forms and billing records.

PROBATIONARY STATUS REPORTS

05-02-C ROBERT FRIDRICH

Dr. Fridrich is currently on probation for a violation of the Arizona Revised Statutes governing the practice of podiatry. Patient surgical records are monitored monthly for compliance with a signed Consent Agreement and Order. At a previous meeting, the Board denied a request by Dr. Fridrich to end his six month probationary period based on the monthly review of his patient surgical charts during the course of his probationary period.

At the February meeting, the Board reviewed a draft Amended Consent Agreement and Order that will extend Dr. Fridrich's probationary period another six months, and discussed changes to the terms of probation.

05-19-M MICHAEL DERSHOWITZ

Dr. Dershowitz is currently on probation for a violation of the Arizona Revised Statutes governing the practice of podiatry. Patient surgical records are monitored monthly for compliance with a signed Consent Agreement and Order.

Dr. Polakof reported that Dr. Dershowitz is in compliance with sending his December, 2006 monthly surgical report.

At a previous meeting, the Board requested a letter be sent to Dr. Dershowitz requesting copies of complete patient medical records of seven cases from November that he did not report from the center of Peoria. Dr. Dershowitz sent a written reply explaining that the seven surgical procedures performed were not cases that apply to the requirement term dictated in his probation order.

Following discussion, the Board requested a letter be sent to Dr. Dershowitz requesting that he provide a monthly list of all surgeries performed along with the monthly patient surgical charts for purposes of cross referencing.

The Board discussed a letter from Attorney Bruce D. Crawford requesting early termination of Dr. Dershowitz's probation.

Following discussion, Dr. Kaplan moved to deny the request for early termination of the one-year probationary period. Ms. Reagan seconded. The motion passed 5-0.

EXECUTIVE DIRECTOR'S REPORT

A. Review of January, 2007 Revenue and Expenditure Report

The Board reviewed the January, 2007 Revenue and Expenditure Report

CORRESPONDENCE

A. Letter from National Board of Podiatric Medical Examiners

The Board discussed a letter they received from the National Board of Podiatric Medical Examiners regarding responsibility of determining eligibility of candidates applying for the PMLexis written examination.

Dr. Polakof will make an inquiry to the national board for further information, and report the details to the Board at the next meeting in March.

SUBSTANTIVE REVIEW & APPROVAL OF THE FOLLOWING APPLICANTS FOR ARIZONA LICENSURE:

Dr. Kaplan moved to approve the following applicants to sit for the oral examination to be conducted on June 5, 2007:

1. Ladislav Kuchar
2. Chad R. Westphal
3. Julia Bayshtok
4. Steven H. Goldstein

Ms. Reagan seconded. The motion passed 5-0.

CALL TO THE PUBLIC

No public comment was received.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 11:00 a.m.

Respectfully submitted,

Linda A. Wells
Executive Director

APPROVED:

Barry Kaplan, DPM
Board President

